

UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

CHRISTIAN E. DORSEY

Debtor

Chapter 13

Case No. 19-13402-BFK

MOTION TO DISMISS WITH PREJUDICE,
NOTICE OF MOTION TO DISMISS WITH PREJUDICE
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Trustee, moves pursuant to 11 U.S.C. §1307 and §1330(a) for revocation of the October 20, 2020 confirmation of Debtor's Plan and also for dismissal of this case with prejudice, and states as cause therefore the following:

1. This case was commenced by the filing of a Chapter 13 Petition on October 16, 2019.
2. Debtor filed Schedules, including Schedules I/J and Form 122C, at the same time he filed the Petition.
3. In those Schedules Debtor listed a \$1,096.00/mo. deduction at Line 5 of Schedule J (Dkt. #1, pg. 37) and also at Line 9b of Form 122C-2 (Dkt. #1, pg. 51).¹
4. Upon information and belief, that \$1,096.00/mo. deduction was attributable to a second trust mortgage obligation.
5. Debtor has since filed three (3) Amended Schedule J's, all of which have contained the same \$1,096.00/mo. deduction for Debtor's second trust mortgage obligation.² The most recent representation of the six affirmative representations³ that he had an ongoing \$1,096.00/mo. second trust payment obligation was just made on September 17, 2020.
6. The most recent such Plan filed September 17, 2020 was confirmed by Order entered October 20, 2020 (Dkt. #68) and provides for an estimated 30% distribution to unsecured creditors.

¹ Debtor amended Form 122C on March 26, 2020 (Dkt #40), which amendment also included the \$1,096.00/mo. deduction.

² Dkt. #19, pg. 9; Dkt. #39, pg. 9; Dkt. #63, pg. 9

³ Two Form 122C's and four Schedule J's.

Notice and Motion to Dismiss

Christian E. Dorsey, Case #19-13402-BFK

7. Debtor's Plans and budgets have all been based on his affirmative representations that his disposable income should be reduced by that \$1,096.00/mo. second trust mortgage payment.
8. It now turns out that the second trust was forgiven and released prior to the filing of the Petition and that Debtor has never made a single payment on it since filing this case.
9. Debtor had no good faith basis for deducting this expense on the four Schedule J's he filed with the Court.
10. At the time Debtor filed each of his four Schedule J's in this case he knew he would not be making the \$1,096.00/mo. payment on the second trust is in the future.
11. But for his improper deduction of this expense on his two Form 122C and his four Schedule J's, Debtor's Plan payment would have been required to be \$1,096.00/mo. more than he is presently paying.
12. Unsecured creditors have been directly prejudiced by Debtor's affirmative misrepresentation of his financial obligations.
13. Cause exists under 11 U.S.C. §1330(a) to revoke the confirmation Order entered October 20, 2020 as it was procured by fraud.
14. Debtor's conduct and lack of veracity also warrant dismissal of this case with prejudice.

WHEREFORE Trustee prays that the confirmation order entered October 20, 2020 be revoked and that this case be dismissed with prejudice for a period of not less than two (2) years, and for such other and further relief as the Court deems appropriate.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Notice and Motion to Dismiss

Christian E. Dorsey, Case #19-13402-BFK

Attend the hearing to be held on December 3, 2020 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.⁴ If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: November 12, 2020

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of November, 2020, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss with Prejudice, Notice of Motion and Notice of Hearing to the following parties.

Christian E. Dorsey
Chapter 13 Debtor
1009 S. Columbus St.
Arlington, VA 22204

Tommy Andrews, Jr., Esq.
Attorney for Debtor
122 N. Alfred St.
Alexandria, VA 22314

and to all Creditors and Parties of interests on the attached Matrix.

/s/ Thomas P. Gorman
Thomas P. Gorman

⁴ Pursuant to the Bankruptcy Court's Protocol in response to COVID-19 Public Health Emergency, parties appearing for hearings shall appear telephonically at the hearing through the Court's CourtSolutions program <http://www.court-solutions.com>.

Eastern District of Virginia

Alexandria

Tue Nov 10 10:38:38 EST 2020

SPECIALIZED LOAN SERVICING LLC

8742 Lucent Blvd, Suite 300

Highlands Ranch, CO 80129-2386

Specialized Loan Servicing LLC

14841 DALLAS PKWY SUITE 425

Dallas, TX 75254-8067

Specialized Loan Servicing, LLC

SHAPIRO & BROWN, LLP

501 Independence Parkway, Suite 203

Chesapeake, VA 23320-5174

United States Bankruptcy Court

200 South Washington Street

Alexandria, VA 22314-5405

AT&T Universal Citi Card

Attn: Bankruptcy

Po Box 790034

St Louis, MO 63179-0034

American Express National Bank

c/o Becket and Lee LLP

PO Box 3001

Malvern PA 19355-0701

Amex

Correspondence/Bankruptcy

Po Box 981540

El Paso, TX 79998-1540

Arlington County Treasurer

2100 Clarendon Blvd, Ste 217

Arlington, VA 22201-5447

Brock & Scott

484 Viking Dr, Ste 203

Virginia Beach, VA 23452-7321

Capital One Auto Finance

Attn: Bankruptcy

Po Box 30285

Salt Lake City, UT 84130-0285

Capital One Auto Finance, a division of

AIS Portfolio Services, LP

4515 N Santa Fe Ave. Dept. APS

Oklahoma City, OK 73118-7901

(p)JPMORGAN CHASE BANK N A

BANKRUPTCY MAIL INTAKE TEAM

700 KANSAS LANE FLOOR 01

MONROE LA 71203-4774

ChexSystems

Attn: Consumer Relations

7805 Hudson Rd., Suite 100

Saint Paul, MN 55125-1703

Costco Anywhere Visa Card

Attn: Bankruptcy

Po Box 6500

Sioux Falls, SD 57117-6500

Early Warning Services

16552 N 90th St.

Scottsdale, AZ 85260-1619

Equifax Check Services

PO Box 30272

Tampa, FL 33630-3272

Experian

475 Anton Blvd

Costa Mesa, CA 92626-7037

Fidelity National Title Insurance Company

c/o Staci Ulrich

2533 N. 117th Ave.

Omaha, NE 68164-3679

Internal Revenue Service

P.O. Box 7346

Philadelphia, PA 19101-7346

Internal Revenue Service

PO Box 621504

Atlanta, GA 30362-3004

Internal Revenue Service - VA

Centralized Insolvency

P.O. Box 7346

Philadelphia, PA 19101-7346

JPMorgan Chase Bank, N.A.

s/b/m/t Chase Bank USA, N.A.

c/o National Bankruptcy Services, LLC

P.O. Box 9013

Addison, Texas 75001-9013

(p)JEFFERSON CAPITAL SYSTEMS LLC

PO BOX 7999

SAINT CLOUD MN 56302-7999

LVNV Funding, LLC

Resurgent Capital Services

PO Box 10587

Greenville, SC 29603-0587

Specialized Loan Servicing LLC

6200 S. Quebec Street

Greenwood Village, CO 80111-4720

Synchrony Bank/Amazon

Attn: Bankruptcy

Po Box 965060

Orlando, FL 32896-5060

TD Bank USA, N.A.

C O WEINSTEIN & RILEY, PS

2001 WESTERN AVENUE, STE 400

SEATTLE, WA 98121-3132

Target

Attn: Bankruptcy

Po Box 9475

Minneapolis, MN 55440-9475

United Bank
500 Virginia St E
Charleston, WV 25301-2199

Virginia Department of Taxatio
PO Box 2156
Richmond, VA 23218-2156

Christian E. Dorsey
1009 S. Columbus St.
Arlington, VA 22204-3423

John P. Fitzgerald, III
Office of the U.S. Trustee - Region 4
1725 Duke Street
Suite 650
Alexandria, VA 22314-3489

Thomas P. Gorman
341 Dial 866-630-6853 Code: 6786636
300 N. Washington St. Ste. 400
Alexandria, VA 22314-2550

Tommy Andrews Jr.
Tommy Andrews, Jr. P.C.
122 North Alfred St.
Alexandria, VA 22314-3011

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4) .

PNC Bank, N.A.
PNC Mortgage, a division of PNC Bank, N.
3232 Newmark Drive
Miamisburg, OH 45342

Chase Card Services
Attn: Bankruptcy
Po Box 15298
Wilmington, DE 19850-0000

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud Mn 56302-9617

(d)Pnc Mortgage
Attn: Bankruptcy
3232 Newmark Drive
Miamisburg, OH 45342-0000

Telecheck Services, Inc.
5251 Westheimer
Houston, TX 77056-0000

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Capital One Auto Finance, a division of Ca
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

(d)Specialized Loan Servicing LLC
14841 Dallas Pkwy Suite 425
Dallas, TX 75254-8067

(d)Capital One Auto Finance, a division of Ca
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

(d)United Bank
500 Virginia St E
Charleston, WV 25301-2199

End of Label Matrix	
Mailable recipients	38
Bypassed recipients	4
Total	42